

COHEN & FITCH LLP COHEN & FITCH LLP
U S DISTRICT COURT SOUTHERN DISTRICT STATE OF NEW YORK

MIRIAM NUNEZ, ETANO

THE CITY OF NEW YORK, ETAL

- vs -

PLAINTIFF

DEFENDANT

index No. 09 CIV 8798
Date Filed

Office No.
Court Date.

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JOSE ESPINAL being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 22ND day of OCTOBER, 2009 2:45PM at

MANH.SOUTH NARCOTICS 1 POLICE PLAZA, ROOM 1100
NEW YORK NY 10038

I served the SUMMONS AND COMPLAINT, JUDGES RULES, CIVIL COVER SHEET, upon DET.JASON DEL TORO, SHIELD NO.4218 the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with P.A.A. (JANE) GARDNER, CO-WORKER WHO REFUED FIRST NAME a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows.

SEX: FEMALE COLOR: BLACK HAIR: BLACK
APP.AGE: 40 APP. HT: 5/7 APP. WT: 140
OTHER IDENTIFYING FEATURES

On 10/23/2009 I deposited in the United States mail another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said DEFENDANT at the above address. That being the place of business of the DEFENDANT.

Copy mailed 1st class mail marked personal and confidential not indicating on the outside thereof by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS:

That at the time of service, as aforesaid, I asked the person spoken to whether the DEFENDANT was in the military service of the United States Government, or of the State of New York, and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the DEFENDANT is not in the military service, and is not dependent on anyone in the military service of the United States Government or the State of New York, as that term is defined in statutes of the State of New York, or of the Federal Soldiers and Sailors Civilian Relief Act.

Sworn to before me this
23RD day of OCTOBER, 2009

KENNETH WISSNER
Notary Public NEW YORK
01WI4714130
Qualified in NEW YORK
Commission Expires 03/30/2010

JOSE ESPINAL 1278811
AETNA CENTRAL JUDICIAL SERVICES
255 BROADWAY, SUITE 1802
NEW YORK, NY, 10007
Reference No: 3-CF-40345